

The role of Laws and Policies in Promoting women Leadership in Mixed Public Secondary Schools: A case of Tharaka South Sub-County, Kenya

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Abstract: The study sought to investigate implementation of laws and policies as an impediment to women teachers' ascension to leadership positions in mixed public secondary schools, focusing on Tharaka South Sub – County Kenya. The researcher used mixed research design with survey and ethnographic techniques to collect data from a target population comprising of school principals, deputy principals, and head of departments, Boards of Management members, and Parents Teachers' Association members of Tharaka South Sub-County. Questionnaires and interview guides were used to collect data which was analyzed both qualitatively and quantitatively. The study established that the educational stakeholders are well informed about national and international laws and Government policies that support women leadership in Kenya and that however, the laws and policies are neither enforced nor implemented. The study therefore suggests deliberate efforts towards creation of a mechanism of enforcing and implementing gender laws and policies.

Keywords: Laws, Policies, women leadership, policy implementation.

I. INTRODUCTION

Leadership is broadly defined as the act and the ability to provide guidance to a group of people [1]. By the strength of their personalities, leaders are able to motivate others to accomplish goals that they would otherwise never have even considered pursuing. According to reference [2], leadership is the process of influencing others to understand and agree about what needs to be done and how to do it and the process of facilitating individual and collective efforts to accomplish shared objectives. The concept of leadership comprises the aspects of, people, goals, and influence. Leadership can therefore be viewed as an influential action that can be used to achieve goals.

II. LITERATURE

While every society or group of people require good leaders, it is not obvious that good leaders are allowed to exercise their leadership skills [3]. For a long time, leadership has been a dictate of the societal structures. With such, men and women have not been given equal opportunities for leadership [4]. Women are faced by social impediments that hinder their ascension to leadership positions [5]. These social impediments vary from cultural belief systems and values, attitudes, personal factors to laws. The cultural mismatch between women and the perceived demands of leadership underlies biased evaluations of women as leaders.

Challenges facing women leadership include laws and policies and their implementation. While policies enacted by UN women as well as the individual countries towards gender equity and women empowerment have laid own strategies of increasing women's participation and inclusion in leadership, implementation of these policies is still a mirage. Challenges emanate from the interpretation of the policies as well as the social contexts in which they are to be

implemented [6]. Women's quest for leadership is also affected by historical issues that have repressed their leadership qualities for decades. The biological responsibilities of women and their socially ascribed duties sometimes are seen as responsible for the development of traits which are construed to be less advantageous for leadership [7].

In the 2005 World Summit, member states re-affirmed the Platform for Action, and the outcome of the Twenty Third Special Session of the General Assembly as an essential contribution to achieving the internationally agreed development goals, including those contained in the Millennium declaration. The Beijing Platform for Action considered the inequality between men and women in the sharing of power and decision-making at all levels as one of the critical areas of concern for the empowerment of women [7]. It stated. "Women's equal participation in decision-making is not only a demand for simple justice and democracy but can also be seen as a necessary condition for women's interests to be taken into account. The paper further states that without the active participation of women and the incorporation of women's perspectives at all levels of decision making, the goals of equality, development and peace cannot be achieved.

As a result of these commitments from the international community, governments were expected to implement policies and programmes which would advance equality between men and women, including in leadership positions, giving women full and equal share in economic, social, cultural and political decision making [8]. The commitments and goals pertaining to women and men equality in decision making at the political and other levels has not yet been achieved [9]. In both developing and developed countries, women continue to be underrepresented in decision making and leadership in several areas. The consequences of this gap between men and women are that women do not participate fully in decisions that shape their lives; and communities and countries are not capitalizing on the full potential of one half of their societies [8].

Domination in senior leadership positions is visible in many countries even with diverse policies and legislation for equality between men and women [10]. In the UK for example women academicians in high positions were only 19.1% while 80.9% were male. A majority of the women were in staff professional roles. The results concurred with those of reference [11] that there were 72.0% male academics in higher positions than their female counterparts (28%). The proportion of women remaining lower in managerial hierarchies therefore suggests that the discussion regarding social roles and professional equity remains far from being settled.

In Kenya, the national education system has been characterized by fewer women at the national level, and between the various regions [12]. The country aimed at eliminating disparities in primary and secondary education and achieving and increasing the participation of women in education and training by 2015, with a focus on ensuring girls' full and equal access to and achievement in quality education. The Government was a signatory to international protocols relating to education and human rights of women and girls, including the universal Declaration on Human Rights (1948), CEDAW (1979), Convention on the Rights of the Child [CRC] (1989), Beijing Declaration and Platform of Action (1995) Jomtien World Conference (1990), Dakar Framework of Action on EFA (2000), Millennium Development Goals (MDGs, 2000), Vision 2030 as well as goals of the African Union [13]. The trend now is for affirmative action to ensure that women are well represented in all spheres of socio-economic life in the community.

In Kenya, the commitment of the Government to attain equality between men and women is underlined in various national legal and policy documents, including, Sessional Paper on African Socialism and its Application to Planning in Kenya (1965), the Children's Act 2001. The Sexual Offences Act No 3 Of 2006, Gender Policy in Education (2007), Kenya Vision 2030, and the Constitution of Kenya 2010 (KENYA, 2010) and the Kenya National Gender and Equality Commission (NGEC 2011). The first official policy document that addresses issues of equality is the Kenyan Constitution, which prohibits discrimination of women. In 1965, the Government published Sessional Paper No. 10, African Socialism and its Application to Planning in Kenya which emphasized the country's commitment to the objectives of individual freedom, social justice and human dignity, including freedom of conscience, freedom from want, ignorance, disease and exploitation, enhancing equal opportunity and a high growing per capita income which is equitably distributed [14].

The Children's Act 2001, (which has domesticated the UN children's rights) enacted in 2002 ranks provision of basic education as a basic human right that every Kenyan child should enjoy. The Act promotes equal educational opportunities for both girls and boys through provisions for addressing likely cultural, religious and other forms biases against women. The Ministry of Education has come up with a gender policy whose overall goal is to establish mechanisms to eliminate all biases against men and women in education, training and research in relation to access, enrolment, retention,

completion, performance, transition, quality and outcomes [12]. The Sexual Offences Act 2006 makes it a criminal offence to sexually harass people at the work place while the Constitution of Kenya 2010 makes it a legal requirement that 30 per cent of all positions in management should be reserved for women.

Kenya's Vision 2030 regards equal representation of men and women as one of the key development challenges facing the country. The Vision says the inequalities can be addressed through increasing women's access to and control of productive assets, improve employment terms for women, reduce job segregation, increase the participation of women in producer groups, expand access to formal finances, and increase women's skill level .

Women-friendly quota systems and policies such as affirmative action and girl-child education would be beneficial to the country and demonstrate an increase in political will. There is a widely accepted call to appoint females into position of leadership given that they are under-represented in various sectors of development and decision making in Kenya . The UNESCO Global Monitoring Report (GMR) has tried to develop a definition of quality in schools, linking it analytically with equality. Koïchiro Matsuura, Director-General of UNESCO, in his foreword to the 2005 GM R, commented that 'Quality must pass the test of equity: an education system characterized by discrimination against any particular group is not fulfilling its mission' [15].

At the institutional level, organizations should improve the principles of equality and non-discrimination in recruitment, training and promotion for both men and women [16]. To attract aspiring women leaders, human resources departments in the public and private sectors will need to ensure that women have clear, formal trajectories for career development from the entry levels to the senior leader positions. They should provide ongoing opportunities for mentorship and leadership training; provide avenues for women to take on management roles; institute equal opportunity measures and equal pay policies; promote diversity in fields that are traditionally male dominated; and prevent sexual harassment in the workplace [16].

Women themselves ought to participate in politics in large numbers to effect change at policy level [17]. Reference [18] conducted a study on Women and Political Leadership in Kenya. The findings indicated that despite global advances recognizing the principle of women's political, economic and social equality, women in Kenya continue to be marginalized in many areas of society, especially in the sphere of leadership and decision making [18]. Based on intensive interviews with ten female politicians, the study looked at women leaders' perception of their leadership roles, seeking to provide answers to the question 'Do women bring a different perspective into politics?' What emerged from the findings is that some individual women politicians contribute more than is often acknowledged. The study also affirms that the lack of a critical mass of women in political institutions is a major constraint for women politicians to effect significant and positive difference towards transforming the male-dominated culture of politics, public policy, and equal allocation of resources resource between men and women. This study acknowledges the challenges women in Kenya face as they attempt to engage in political leadership. It, however, focuses less on these challenges and more on the perceptions, experiences, visions, achievements and their lived experiences that have shaped their leadership perspectives and approaches – A woman's perspective on leadership. Although there are countless highly educated women in Kenya, they have little access to political power due to a un- accommodative political system, patriarchy and cultural subordination. The electoral process is permeated with aggressiveness and callousness, making it virtually unbearable for women to present themselves as candidates for political office. Furthermore it appears that there is no corresponding action when laws regarding parity between men and women are passed. Moreover, there is no denying that many women in Kenya remain very vulnerable to the power of men. In the current parliament for instance, the level of women inclusion is below the constitutional threshold and out of 349 members of parliament only 69 are women representing a partly 20 % with counties having difficulties meeting the statutory threshold on the inclusion and participation of women primarily due to lack of commitment.

III. MATERIALS AND METHODS

This study adopted mixed research designs where both quantitative and qualitative. Data was collected from a total of school principals, women teachers, School heads of Departments, Religious leaders, education officers, school Boards of management, school Parents Teachers Association representatives and education trade unionists. Qualitative data was analysed using NVIVO version 12 while quantitative data was analysed using SPSS Version 22.

IV. FINDINGS AND DISCUSSIONS

Demographic information of the respondents

The demographic information of interest to the study was the age of respondents, the level of education, gender and duration in service of the respondents. This was because it was found imperative to know who was participating in the research as this information helped to describe the sample.

Age

Table 1 below represents the ages of the respondents

Table I. Age of Respondents

Age	Women Teachers		HOD		Principals		Education officers		Educational stakeholders		BOM & PTA	
	F	%	F	%	F	%	F	%	F	%	F	%
25-29	8	23	1	4	-	-	-	-	-	-	-	-
30-34	5	14	8	29	3	23	-	-	-	-	-	-
35-39	10	29	3	11	5	38	-	-	1	20	1	8
40-44	8	11	14	50	2	15	5	50	-	-	3	23
45-49	4	6	2	7	1	8	3	30	2	40	5	38
50 +	-	-	-	-	2	15	2	20	2	40	4	31
Total	35	100	28	100	13	100	10	100	5	100	13	100

Results from table 4.2 indicates that 29.0% of the women teachers were aged between 35-39 years while 23% were aged between 25-29 years while 11% were aged 40-44 years and 6% of them were aged 45-49 years. This shows that majority of the women teachers had gained experience considering their age. Further, when they are more advanced in age, it may mean they could give information on the challenges they had experienced in trying to become leaders in their department or other areas within the school hierarchy.

The results presented in table 4.2 reveal that a majority of heads of departments, 50% between the age 40-44 years old and those who were 35-39 years old constituted 11%. A small number, 7% were between 45-49 years of age. The indication here is that most teachers who are promoted to heads of departments must first gain experience for a considerable duration of time. Going by this finding, it is possible to conclude that duration of service is one of the conditions for promotion to leadership in the sampled schools.

A majority of the principals, 43% were between the ages of 35 and 38 years old, 21% were between the ages 39 and 42. Fourteen percent were below 35 years old and 43 and 46 years old for both. A small number, 7% were 47 years old and above. This indicates that this age is normally appropriate for principals to qualify for the position. Fewer principals between the aged 39 to 42 years old could be explained by the fact that most principals in the mixed day secondary schools are likely to be promoted to bigger single sex schools after gaining experience as principals in mixed secondary schools. Reference [19] noted that there were few principals of ages 47 years and above could be explained by the fact that most principals are likely to seek employment in urban schools with better work conditions as demonstrated in this study.

The results also indicates that 50% of the education officers were between the ages 39 and 42 years old, 30% were between the ages 43 and 46 years old and the other 20% were of ages 47 and above years old. This finding may be possibly explained by the fact that education officers are promoted from their former positions of school heads and deputies. The other category was that of education officers, 30% of ages 43 and 46 and 20% of ages above 47 years. This finding indicates that education officers are of older age brackets. It is possible to conclude that based on this finding, promotions to the senior roles are based on experience.

The result further indicates that a majority of the other educational stakeholders, 80% were 45 years and above. Since this study was conducted in a rural setting, it is possible that following the principle of hierarchy of needs, experienced religious leaders are likely to move to the headquarters which are located in urban areas. The trade unionists were of aged 47 years and above. This shows that as teachers mature in age, they move to other positions perceived to be more

prestigious compared to classroom teaching. It is also important to look at the gender of the people who were involved in this study.

Gender

The respondents were asked to indicate their gender. The principals' gender is important since it would show the proportion of the respondents per gender and whether the leadership positions were all dominated by male or there were female too. The results are as shown in table II.

Table II. Gender of respondents

	Female		Male	
	Frequency	Percentage	Frequency	Percentage
HODs	14	50	14	50
Principals	3	21	4	79
Education officers	-	-	10	100
BOM and PTA	6	35	11	65
Religious leaders	-	0	5	100
Women teachers	35	0	0	0
Total	63		106	

The findings on Table 4.3 indicated that 79% of the principals were male while only 21% were female, 65% of the BOM and PTA members were male while 35.0% were female. There was equal representation of men and women amongst the HODs. This finding indicates that there were more male teachers in leadership positions as compared to the females. This implies that women, as compared to men are disadvantaged in climbing up the leadership ladder. These results were in agreement with those of reference [20] who report that there is considerable evidence that women are greatly under-represented in management positions. The under representation of women in leadership in the education sector could be related to the beliefs and culture. For instance, it is a general belief in the study area that leadership is preserve of the men and not women. These findings are also supported by Osumbah who points out that women do not apply for jobs and even when in a job, they do not apply for line positions [21]. Further, Leicht, de Moura & Crisp reinforce that historically, women were excluded from becoming leaders in organizations; as a result, the assumption that males were better suited than females for leadership roles was, until recently, rarely questioned[22].

Levels of Education

Women have attained high level of education just as men. This study sought to establish whether the level of education women attained was a contributing factor to women attainment of top administrative positions in mixed secondary schools in Tharaka South Sub-county. The results are as shown in Table III.

Table III. Levels of Education

	Levels of education	Male		Female		Total	
		F	%	F	%	F	%
HOD	Bachelor's Degree	8	57	6	43	14	100
	Masters' degree	6	43	8	57	14	100
	Total	14	50	14	50.0	28	100
Principals	Bachelor's degree	2	100	0	0	2	100
	Masters' degree	2	40	3	60	5	100
	Total	4	70	3	30	7	100
Education officers	Bachelor's degree	6	60	0	0	6	60
	Masters' degree	4	40	0	0	4	40
	Total	10	50	0	0	10	100
Women Teachers	Bachelor's degree	0	0	20	57	20	57
	Master's Degree	0	0	15	43	15	43
	Total			35	100	35	100

Table III. shows that a majority of male HODs (57%) had attained a bachelor's degree while 43% of the female too had a bachelor's degree, 43% of the male HODs had a masters' degree and 57% of the female HODs had a masters' degree. About 2 male principals had attained a bachelor degree and 40% of them had a masters' degree while 60% of the female principals had attained a masters' degree. Results from the Education officers indicated 6(60%) of them had a bachelor's degree and 40% of them had attained a masters' degree. Among the women teachers 20 (57.0% of them had attained a bachelor's degree and 15 (43%) of them had a master's degree. Actually in some cases, such as the principals from the schools sampled, all the female principals had a master's degree. The results indicated that women teachers were equally educated and more so those in leadership positions. The result agrees with those of Lahti who noted that women are equally well educated and that in some cases, women were more educated than men [23]. Lahti (2014) further noted that the number of women pursuing higher positions which match their education levels is growing and that this was so especially among younger women who are more confident to pursue leadership roles in their careers. On the other hand the findings differ with a study conducted by Osumbah which indicated that women are less likely to advance in education and thus less likely to ascend to leadership positions [21]. This therefore means that lack of education is not a hindrance in women attainment of leadership positions in the area under study.

Loos, policies and Women Leadership

Women continue to struggle to reach parity in the workplace, constantly hitting their heads on the glass ceiling [24]. Furthermore, available data in Tharaka South Sub- County indicates that out of 17 mixed secondary schools, only one is administered by a female principal. Matsa & Miller noted that in as much as the working environment for women in general and in management and senior management roles has changed, there is still evidence of discriminations still existing in their workplaces [25]. Several factors have been found to militate against women's ascension to leadership. Some of them are highlighted below. However, progress is being made globally and in the country to remove the barriers and afford women an equal chance of promotion as men. Participation of women in management especially at senior management positions has been a worldwide concern [26]. Cultural perception of the role of women in leadership functions is that sometimes it is hard to value women in leadership positions.

Women who perform well in their roles of management find it difficult to negotiate moves in commercial functions. In business women in these positions of leadership negotiate moves in commercial or entrepreneurial functions [27]. Most are times that they are looked down by the society because the society expects them to be good wives, bearing children and taking care of them. The study which sought to unearth hindrances which have continually locked women out of leadership positions in mixed public secondary schools in Tharaka South Sub – County examined various contributory factors. Several factors have been found to militate against women's ascension to leadership. Some of them are highlighted below.

Constitution of Kenya (2010), there are values and principles that guide the public service, and among them is fair competition and merit as the basis for appointments and promotions. Kenya vision 2030 recognizes that equity will be achieved by ultimate changes in four key areas: opportunity, empowerment, capabilities & vulnerabilities [13]. To achieve this, policies have been enacted to ensure that women, who hitherto, had not had fair representation in leadership are considered. The study sought from the school principals, HODs, women teachers, PTA, BOMs and the Education officers whether there are laws or government policies that support women equality in leadership. All the women teachers, principals, education officers, PTA and BOM members agreed that they were aware of laws and policies that supported women equality in leadership. The laws and policies implemented in Kenya were listed. The women teachers were asked to indicate how they felt they were implemented in Tharaka Sub-Country during promotion of teachers. The results are as shown in Table IV

Table IV. Implementation of Laws and policies

Law/Policy	Excellently	Good	Average	Poorly
National Gender policy	1(2.9%)	2(5.7%)	10(28.6%)	22(62.9%)
Gender policy in education	1(2.9%)	3(8.6%)	4(11.4%)	7(77.1%)
A third gender rule in Kenya's constitution	8(22/9%)	12(34.3%)	1(2.9%)	14(20.0%)
The Sexual Offences Act No 3 of 2008	1(2.9%)	4(11.4%)	10(28.6%)	20(57.1%)

Majority of the women teachers (62.9%) argued that national gender policy was poorly implemented while 28.6% noted it was average, 5.7% noted it was good and 2.9% noted it was excellently implemented. The most poorly implemented policy was the Gender policy in education (77.1%). The study also revealed that a third gender rule was better implemented as compared to other policies (56%). This implied women teachers were of the opinion that most policies were poorly implemented. Further, the study sought from the school principals, women teachers and the education officers their opinion on the implementation of the said policies. The results were as shown in Table V below

Table V. Responses on Implementation of gender Policies

	Not at all		Somehow		To a small extent		To a large extent		
	%	f	%	F	%	f	%	f	
Principals/Deputies	40	6	0	0	6	1	51	7	14
Women teachers	54	15	7	2	6	2	33	9	28
Education officers	35	4	5	1	10	1	50	5	10
PTA	55	8	9	1	4	1	32	4	14
BOM	67	9	4	1	7	1	22	3	14
Trade Unionists	0	0	0	0	20	1	80	2	3
Religious leaders	50	1	50	1	0	0	0	0	2

From table 4.10 above, 80% of the trade unionists, 50% of the education officers and 51% of the principals and their deputies indicated that schools, to a larger extent implemented the gender laws and policies. On the other hand, 54% of the teachers, 55% of the PTA, 50% of the religious leaders as well as 67% of BOM indicated that the laws and policies were not implemented in their schools. A religious leader stated that:-

“Laws and policies are always not complied with...the society is structured in a way that men always carry the day. The laws are applied differently”

To illustrate this, he used a newspaper cutting from the Daily Nation published on January, 1, 2015.



In the illustration, a woman leader is dismissed for not complying to the law while a male leader is let to get away with breaking the law. According to the respondent therefore, this was to indicate that the laws and policies in schools are also

implemented in a way that is skewed in favour of the men. In the table, all the implementers of the policies who in this case are the school principals, education officers and the trade unionist indicated that the laws and policies are complied to while the PTA, BOM, Religious leaders and the teachers indicated that the policies were not complied to.

In an in-depth interview with a female principal, it emerged that;

“Laws and policies remain theoretical. Most employers would rather create a position for a woman just for the sake of it. Ensuring equal opportunity for men and women in employment is the last thing that is thought of during promotion”

These findings demonstrate that while administrators in the education sector who are indeed the implementers of the policies believed their schools conformed to the laws and policies, other stakeholders could not acknowledge the same. While women were under-represented in leadership in Tharaka South Sub-County the contradiction in responses between the PTA, BOM and religious leaders and principals, teachers and education could be as a result of errors of social desirability where the direct stakeholders charged with the responsibility of implementing the laws and policies defended their roles. The results disagree with those of Sang, Masila & Sang who argues that previous constitutions derailed the move to equal opportunity in education management and may be the massive improvements in the new constitution could be a watershed for opportunities for women in management [28]. A report carried out by the Southern and Mulkeen showed that less than 15 % of secondary schools in Kenya are administered by female principals [29].

V. CONCLUSION AND ACKNOWLEDGEMENT

From the study, it was established that awareness on laws and policies promoting equal participation is high among teachers, principals and education officers in Tharaka South Sub-County and that there was lack of awareness on the international laws and policies supporting women inclusion in leadership. From the study, the administrators in the education sector believed their schools conformed to the laws and policies, while the other stakeholders did not. This can be explained in that most of the administrators were male and therefore could be biased with an interest of maintaining the status quo. Laws and policies on the other hand on their own did not lead to women accession to leadership positions. The study found out that the implementation of the laws and the policies were not a priority during the recruitment and promotion of teachers. The findings of this study could therefore be used to provide a basis for negotiations aimed at promoting women leadership across the country. The author acknowledges the technical support offered by Mr. Ronnie Midigo of The University of Nairobi.

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